



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

July 14, 2020

BY ECF

The Honorable Vernon S. Broderick
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *State of New York v. DHS, et al.*,
No. 20 Civ. 5349 (VSB)

Dear Judge Broderick:

This Office represents the defendants in the above-captioned case (“Defendants” or the “Government”), in which the State of New York (the “State”) challenges guidance issued by U.S. Immigration and Customs Enforcement on July 6, 2020, regarding F-1 and M-1 student visas (the “July 2020 Guidance”). A conference in this matter regarding the State’s motion for an order to show cause is scheduled for tomorrow, **July 15, 2020, at 10 a.m.** See Dkt. No. 21.

We write respectfully to alert the Court to the Government’s rescission, on a nationwide basis, of: (1) the July 2020 Guidance, (2) a July 7, 2020 “FAQ” relating to the July 2020 Guidance, and (3) the implementation of the Guidance and FAQ. The Government publicly affirmed these actions during a hearing held today in the matter captioned *President and Fellows of Harvard College, et al. v. DHS, et al.*, No. 20 Civ. 11283 (ADB) (D. Mass.), a lawsuit brought by two private universities similarly challenging the July 2020 Guidance. The district court in that case entered an order stating that the rescission of the July 2020 Guidance and related FAQ “moots the temporary restraining order/preliminary injunction motions” that had been filed in that matter, “and will preclude enforcement of the” July 2020 Guidance and related FAQ. See *id.*, Dkt. No. 119.

In this case, the State filed an emergency motion for a temporary restraining order on July 13, 2020, see Dkt. Nos. 4-6, which, in the Government’s view, is also now moot in light of the nationwide rescission of the July 2020 Guidance and related FAQ. Furthermore, the Government hopes to be able to submit a stipulation resolving this case for the Court’s review, and has reached out to the State’s counsel to discuss the parameters of a possible stipulation.

In light of these developments, the Court may conclude that the conference scheduled for July 15, 2020, may be adjourned, although the Government is of course happy to appear at the Court's direction.

Respectfully submitted,

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cc: Counsel of record (by ECF)